

REMARKS-General

1. The amended independent claim 1 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 1-20 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

Regarding to Rejection of Claims 1-10 and 14-20 under 35USC102

2. Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

In view of 35 U.S.C. 102(b), it is apparent that a person shall not be entitled to a patent when his or her invention was patent in this country more than one year prior to the date of the application for patent in the United States.

3. However, the Leach patent and the instant invention are not the same invention according to the fact that the independent claims 1 and 12 of the Leach patent does not read upon the instant invention and the independent claim 1 of the instant invention does not read upon the Leach patent too. Apparently, the instant invention, which discloses a glove comprising a glove body and a 3-dimensional treatment member detachably fastened at the palm portion of the glove body, should not be the same invention as the Leach patent which discloses a work glove.

4. Leach fails to anticipate the distinctive features of:

(i) a glove body, which is adapted for receiving a hand of a user, having a palm portion and finger portions extended therefrom (as claimed in claim 1);

(ii) a treatment pad, adapted to **provide a first treating action**, provided at the palm portion of the glove body for treating on the work surface (as claimed in claim 1);

(iii) a **3-dimensional treatment member**, adapted to **provide a second treating action**, comprising a fastener adapted to detachably fasten with the treatment pad so as to retain the treatment member at the palm portion of the glove body (as claimed in claim 1); and

(iv) the **glove body selectively provides the first treating action when the treatment member is detached from the treatment pad and the second treating action when the treatment member is attached to the treatment pad for treating on the work surface** (as claimed in claim 1).

5. Leach merely anticipates a work glove comprising a glove member and a plurality of pads, wherein a plurality of hook and loop fastener sections are fixedly coupled to the glove member such that the pads are releasably attaching to the palm portion and digit portions of the glove member. Leach merely teaches the user would choose which of the type of pads is appropriate for the task at hand, attach each of the pads to the associated fastener sections on the glove member and being work (in column 3, lines 15-18) without any mention of the treating action of the glove member when the pads are detached from the glove member. In other words, the glove member provides a single treating action when the pads are attached to the glove member. Therefore, Leach fails to anticipate the glove can provide two different treating actions that the treatment pad provides a first treating action for treating on the work surface when the treatment member is detached from the glove body and the treatment member provides a second treating action for treating on the work surface when the treatment member is attached to the glove body as claimed in claim 1.

6. Regarding to Claim 1, Leach merely teaches the pad which is shown as a thin layer in Figs. 1 to 3 without any mention of 3-dimensional treatment member. However, the instant invention discloses the treatment member, which can be an existing cleaning element, is a sponge member having a predetermined thickness as shown in Fig. 2 and a cleaning body having a ball shape as shown in Fig. 3. Therefore, when the 3-dimensional treatment member is attached to the palm portion of the glove body, the user is able to tightly grip the treatment by his or her finger to work on the work surface while the user's fingers are free to pick up or hold the work piece without detaching the treatment member from the glove body.

7. Regarding to claims 2-3, Leach merely suggests each of the pads has a working side and an attaching side. The attaching side of each of the pads comprises a mating hook and loop fastener for permitting the user to releasably attach the pads to the glove member (in column 2, lines 58-62). Leach fails to teach the treatment pad comprises a loop fastener constructed to be a scouring layer for performing a cleaning action as the first treating action on the work surface (as claimed in claim 2) while the hooking side of the treatment member is detachably fastened with the treatment pad to provide a second treating action at the sponging side of the treatment member (as claimed in claim 3). Therefore, the treatment pad provides not only an attachment function but also cleaning purpose.

8. Regarding to claims 4-7 and 17-18, various cleaning/sanding actions can be achieved by attaching the treatment member at the different locations of the palm portion of the glove body (as claimed in claims 4 to 7) in order to enhance the practice use of the instant invention. For example, when the treatment pad is provided at the upper side of the palm portion of the glove body, the glove of the instant invention is illustrated to clean the dishes as shown in Fig. 2. When the treatment pad is provide at the lower side of the palm portion of the glove body, the glove of the instant invention is illustrated to clean the pan as shown in Fig. 3.

9. Regarding to claims 8-10 and 19-20, the treatment member is adapted to cut into a predetermined shape and size corresponding to the treatment pad since the treatment member can be an existing element as mentioned above, the user is able to replace the treatment member to fit the treatment pad. In addition, since the glove body is manufactured in different sizes to fit the hand of the user, the user is able to cut the treatment member into a corresponding shape and size to fit the size of the user's hand. However, Leach merely discloses the pad which is shown as in Fig. 1 without any mention of any the pad can be cut into a predetermined shape and size corresponding to the glove body.

10. Regarding to claims 14 to 16, Leach fails to anticipate the glove can provide two different sanding actions that the treatment pad provides a first sanding action for treating on the work surface when the treatment member is detached from the glove body (as claimed in claim 14) and the treatment member provides a second sanding action for treating on the work surface when the treatment member is attached to the

glove body (as claimed in claim 15), wherein the coarseness of the treatment pad is different from the coarseness of the coarsening side of the treatment member so as to provide different levels of the sanding action (as claimed in claim 16). Leach merely anticipates the work glove can provide a single sanding action when the pad is attached to the glove member.

Response to Rejection of Claims 11-13 under 35USC103

11. The Examiner rejected claims 11-13 over Leach in view of Borucki-Mastej. Pursuant to 35 U.S.C. 103:

“(a) A patent may not be obtained though the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

12. In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Leach which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Borucki-Mastej at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

13. The Examiner appears to reason that since Leach teaches that a work glove comprising a plurality of pads releasably attaching to the palm portion and digit portions of the glove member, it would have been obvious to one skilled in the art to modify the glove member integrally formed of a hook or loop fastener material to perform a rubbing

action. But this is clearly **not** a proper basis for combining references in making out an obviousness rejection of the present claims. Rather, the invention must be considered as a whole and there must be something in the reference that suggests the combination or the modification. See *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 488 (Fed. Cir. 1984) ("The claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination"), *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984), ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") *In re Laskowski*, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989), ("Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, "[t]he mere fact that the prior art could be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.")

14. In the present case, there is no such suggestion. Leach and Borucki-Mastej perform very different types of work glove.

15. As recited above, Leach merely discloses a work glove comprising a glove member and a plurality of pads, wherein a plurality of hook and loop fastener sections are fixedly coupled to the glove member such that the pads are releasably attaching to the palm portion and digit portions of the glove member. Leach merely teaches the user would choose which of the type of pads is appropriate for the task at hand, attach each of the pads to the associated fastener sections on the glove member and being work.

16. Borucki-Mastej, on the other hand, describes an arrangement in which a waterproof scouring glove system comprising a sheath and a hoop-and loop fastener material disposed upon the entire surface of the sheath and cavities thereof.

17. Therefore, the difference between Leach and the instant invention as claimed in claims 11 to 13 is not limited to the disclosure of "glove body", but includes the above distinctive features (i) to (iv). In addition, regarding to claims 11 to 13, the instant invention further contains the following distinctive features: (v) the treatment member is made of hook fastener having a predetermined coarseness adapted to perform a

rubbing action as the second treating action, such that the fastener is integrally formed as the treatment member to detachably fasten with the treatment pad. In other words, any portion of the treatment member can be detachably attached to the treatment pad at the palm portion of the glove body while the fingers of the user are free to either tightly grip the treatment member within the palm cavity of the user's hand or pick up the work piece without detaching the treatment member from the glove body. Therefore, the glove of the instant invention not only provides two treating actions via the surface treatment arrangement but also enhances the practice use of the work glove.

18. In any case, even combining Leach and Borucki-Mastej would not provide the invention as claimed -- a clear indicia of nonobviousness. Ex parte Schwartz, slip op. p.5 (BPA&I Appeal No. 92-2629 October 28, 1992), ("Even if we were to agree with the examiner that it would have been obvious to combine the reference teachings in the manner proposed, the resulting package still would not comprise zipper closure material that terminates short of the end of the one edge of the product containing area, as now claimed."). That is, modifying Leach with Borucki-Mastej, as proposed by the Examiner, would not provide a glove having the above distinctive features (i) to (v) as claimed in the instant invention.

19. Applicant believes that neither Leach nor Borucki-Mastej, separately or in combination, suggest or make any mention whatsoever of using a glove body to selectively provide a first treating action when the treatment member is detached from the treatment pad and the second treating action when the treatment member is attached to the treatment pad for treating on the work surface as claimed in claim 1.

20. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

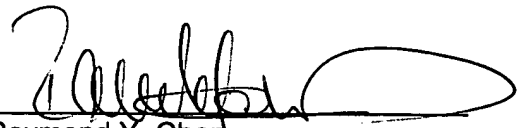
The Cited but Non-Applied References

21. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

22. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 1-20 at an early date is solicited.

23. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Mail Stop Non-Stop, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: June 23, 2004

Signature: 

Person Signing: Raymond Y. Chan